



200905

WEST CHICAGO INTERGOVERNMENTAL FORUM**July 25, 2003****Minutes****ATTENDEES**

Barbara Magel, Counsel for City, County & Forest Preserve
Dave Thomas, West Chicago Park District
Donald Feld, Thorium Action Group
Deborah Smith, DuPage County State's Attorney
Chris Grant, Illinois Attorney General's Office
Thomas Williams, Illinois EPA
Chuck Grigalauski, Illinois EPA
Mark Krippel, Kerr-McGee
Rebecca Frey, U.S. EPA, Superfund
Linda Howard, U.S. EPA, Superfund
Larry Schmitt, U.S. EPA, Superfund
Mary Fulghum, U.S. EPA, Office of Regional Counsel

INTRODUCTION

Becky said EPA has assigned Jim Mitchell as the On-Scene-Coordinator (OSC) who will handle the anticipated removal action at the upland portion of the STP site. Jim is familiar with the Kerr-McGee sites because years ago he helped review work plans and quality assurance plans for the sites. He was not able to attend today but hopefully will be able to attend the next meeting.

RESIDENTIAL AREAS SITE**Status Chart**

Since the last meeting two more results letters were sent out, both for railroad properties. One was for a clean property and one was for a contaminated property. The clean property was a railroad property that was tested several years ago but Becky was holding the letter because it was the same railroad that owned the railyard that EPA recently got access to. At the last meeting Becky said that EPA had just gotten access to the Union Pacific Railroad railyard. Since then, IDNS (now the Illinois Emergency Management Agency - Division of Nuclear Safety) tested the railyard and found a small area of contamination. Becky sent two letters to Union Pacific Railroad, one for the clean property from years ago and one for the contaminated railyard. Therefore, the number of clean and contaminated properties on the status chart have each increased by one. The railyard will be added to the 2003 construction schedule. The new total is 676 contaminated properties that have been identified, with 670 cleaned up so far and 6 awaiting cleanup. The total number of letters sent so far is 2171 out of 2174 in the study area. The only three properties that have not been sent letters are the three "no access" properties.

“No Access” Properties

Becky said that EPA is still working on preparing a Unilateral Administrative Order (UAO) for the person who owns two of the three remaining “no access” properties. Both properties are held in land trusts and EPA is trying to get confirmation that the person EPA believes to be the beneficial owner is actually the beneficial owner. EPA sent information request letters to the bank. Mary Fulghum said the bank’s official response to the request letters was to call Cathy Martwick (EPA co-counsel) and tell her that they were not going to identify the beneficial owner to EPA although they would be forwarding the letter to the beneficial owner. Mary said Cathy asked the bank to send EPA a letter affirmatively stating that they forwarded the letter to the beneficial owner, but so far they have not provided EPA with such a letter.

“Problem” Properties

There are six properties awaiting cleanup. Three have no issues and definitely can be completed this year. The other three have issues that EPA and/or Kerr-McGee are trying to resolve. EPA seems to be making some progress on one of the problem properties, and Becky is hopeful that EPA also will make progress on a second one. For the third one, EPA is trying to locate relatives of the owner to have them convince the owner to allow the cleanup to proceed.

In terms of the 2003 construction schedule, Kerr-McGee only wants to mobilize once. However, Becky said she told Kerr-McGee that there may come a time when she will have to tell them to go ahead and complete the properties that can be done, even though not all of the “problem” properties are resolved. Kerr-McGee told her it will take 3 to 4 weeks to mobilize a construction crew this late in the season and get them trained and ready to clean up properties. Therefore, mobilization would have to take place during August to get properties cleaned up during September.

ROD Schedule

EPA finalized the remedial investigation report for the Residential Areas Site in early July and issued a proposed plan on July 10, 2003. (The proposed plan fact sheet was sent to all forum members with the minutes from the last forum meeting.) The proposed plan calls for “no further action” when the ongoing removal action is completed. The 30-day public comment period started on July 10, 2003, and runs through August 11, 2003. A public meeting is scheduled for 7 p.m. on Tuesday, July 29, 2003, at West Chicago City Hall. Becky said she does not expect many people to attend based on attendance at the Reed-Keppler Park public meeting last year. EPA plans to issue the final Record of Decision (ROD) by the end of September. Assuming there are no changes to the plan based on public comments received, the ROD will not say that the cleanup is done, but will say that once the ongoing removal action is completed, then no further action is needed at the site. If the ROD was ready to sign today it could be issued even though the removal action is not yet complete.

Someone asked if all comments at the public meeting will be taken as part of record. Becky said there will be a court reporter available to record all comments at the meeting and written comments can be submitted to EPA as long as they are postmarked or emailed by August 11.

Evaluation of Properties in Old Cleanup

Another outstanding issue Becky is dealing with is the evaluation of the properties in the old cleanup from the mid 1980's. Becky said she wanted to correct something she said at the last forum meeting. At the last forum meeting, Becky said she needed to resolve this issue before the final ROD was issued. Now, because of how the ROD will be written, the evaluation of the old cleanup doesn't have to be finished before the ROD. EPA is still committed to resolving the issue before we say we're done with the cleanup work at the site.

Chuck asked for an explanation about the old cleanup evaluation. Becky explained that Kerr-McGee did the cleanup in the 1980's using a different cleanup standard and the city's technical consultant raised the issue that there may be residual contamination at the base of the old excavation that exceeds the current cleanup level. Becky is evaluating all the data from the old cleanup and comparing it with what was found and/or cleaned up during EPA's current investigation and cleanup. It is possible that some additional investigation and/or cleanup work may be needed at some of the old properties.

REED-KEPPLER PARK SITE

Becky said there is no change in the status of the RKP site since the last forum meeting. There is still the issue of the groundwater monitoring that has to occur. She has not talked to Kerr-McGee in detail about the monitoring. The mechanism to get the work done still needs to be worked out.

KRESS CREEK and SEWAGE TREATMENT PLANT SITES

Becky said that since the last forum meeting there has been a lot of progress made, and some significant issues have been resolved. There was a big negotiating meeting in Washington, D.C. on June 26, 2003, between EPA (including the Regional Administrator and Headquarters representatives), the Department of Justice (DOJ), Kerr-McGee and the Communities. Someone asked if DuPage County, the City and the Park District were represented at the meeting. Becky said all parties were represented.

One significant issue that was resolved was the issue of additional downstream characterization of the river. At the meeting the parties agreed that Kerr-McGee will characterize the remaining portions of the river that EPA was concerned about. This is a 2-mile stretch between the Warrenville Dam and the McDowell Dam. A small portion of this area had been characterized due to the negotiations between Kerr-McGee and the communities but there were significant areas that had not been characterized. Kerr-McGee will characterize all the remaining areas using the same methods that were used to characterize the upstream parts of the site. There will

be surface gamma scans of all banks, flood plains and sediment surfaces, and delineation drilling only if elevated gamma readings are found.

Since the D.C. meeting, EPA and Kerr-McGee also resolved another technical issue regarding the existing data in the upstream sections of the site (known as the "red x" issue). This issue dealt with some small data gaps that EPA and the communities were concerned about. The resolution is that Kerr-McGee will be putting in approximately 140 additional downhole gamma logging locations to fill in some data gaps to help clearly define the extent of contamination of certain areas. If anything is found then they would have to do additional "step-out" locations as they have done in the past.

Becky said that those were the two main technical issues that EPA had raised in its comments (provided to Kerr-McGee in February) on Kerr-McGee's draft characterization report for the creek and river. Now that those two issues are resolved, Kerr-McGee will provide EPA with a formal "response to comments" letter. EPA and Kerr-McGee have agreed that it makes sense to wait to resubmit the revised characterization report until Kerr-McGee collects the additional upstream data from the 140 locations and incorporate that data into the characterization report. EPA and Kerr-McGee also have agreed that it doesn't make sense to wait for the collection of the data from the two-mile downstream stretch of the river (downstream of the Warrenville Dam). Becky said that information can be handled as a supplement or addendum to the characterization report.

Another significant accomplishment at the meeting in D.C. was that everyone agreed to work toward accomplishing a cleanup of the upland part of the Sewage Treatment Plant site this year. This would include only the upland part of the plant, not the river banks or the stretch of river from the STP to the confluence with Kress Creek. (Those river areas would be cleaned up as part of the Kress Creek site.) The cleanup would be done as a time-critical removal action.

Discussions also continue with Kerr-McGee regarding completion of the Remedial Investigation/Feasibility Study (RI/FS) work for both the Kress Creek and Sewage Treatment Plant sites. Although there is no formal written agreement (i.e., Administrative Order on Consent, or AOC) with Kerr-McGee yet for that work, it is Becky's understanding that Kerr-McGee already is drafting the RI/FS documents. Kerr-McGee intends to prepare one RI report and FS report that would include both the Kress Creek and STP sites.

Becky said that everyone at the D.C. meeting also discussed the best-case schedule of events that is needed in order to get the creek and river cleanup started next summer. The RI/FS documents would have to be completed by December. EPA would need approximately five months from that point to sign the RODs for the sites. Simultaneously, EPA would be negotiating a federal consent decree that the State would likely be a party to. The consent decree and RODs would probably be signed simultaneously. Meanwhile, EPA also would be reviewing all the design documents, including detailed design documents, so that cleanup could start soon after the consent decree was signed.

Dave Thomas raised an issue regarding Manville Oaks Park along the Kress Creek site. Dave said that part of the park is used as a day camp for kids, and he wondered if the Park District needs to consider moving the day camp to a different location once the cleanup work there begins. Barbara Magel asked where the day camp is located. Dave said it is probably 500 to 600 feet away from the creek near the buildings. Barbara said there would be more concern about the physical hazards associated with the cleanup (e.g., heavy equipment) as opposed to the radiation hazard. Dave said the area is also used as a recreational area by many residents and the area may need to be fenced off during the cleanup to prevent access. It also was suggested that a fact sheet may need to be generated or public meetings held to alert people when work will take place in the area. Barbara said she will bring these issues up to Kerr-McGee. Everyone agreed that there was plenty of time to think about these issues, because Manville Oaks would not be cleaned up until at least year #2 of the Kress Creek cleanup.

Upland STP Removal Action

Regarding the possible removal action at the upland part of the STP site, Becky gave forum members some information she got from Jim Mitchell, the OSC who will handle that cleanup. Kerr-McGee has completed its delineation drilling work at the upland STP. Kerr-McGee submitted a draft work plan for the removal work on July 2. Jim is reviewing the work plan and also is waiting for the health and safety plan and some other additional supporting documents from Kerr-McGee. Kerr-McGee told Jim he would receive the required documents soon.

At the D.C. meeting, EPA promised to provide Kerr-McGee with a draft of EPA's action memorandum for the STP removal action. The action memo is EPA's decision document for removal actions, like the counterpart of the ROD. EPA provided Kerr-McGee with a draft action memo on July 11. Kerr-McGee gave EPA its comments on the action memo on July 22. Jim and Mary Fulghum are working on revising the action memo.

Kerr-McGee sent EPA and DOJ a revised draft of the AOC for the STP removal on the afternoon of June 26. EPA and DOJ intend to send Kerr-McGee a further-revised draft AOC within the next few days to a week. The goal is to reach agreement on this and the other remaining issues by the beginning of September to allow the STP removal action to occur this fall.

Becky said two of EPA's monitoring wells at the STP are very close to proposed excavation areas and Kerr-McGee has requested permission to abandon those wells. EPA is considering the request.

Mark said the work plan for the STP removal was sent to EPA for review and some of the additional supporting documents should go out today. Kerr-McGee's request for proposal for contractors is being reviewed internally and the goal is to get it out next week. It is everybody's expectation that, if all goes well, excavation work at the STP will start in September.

Becky asked if the STP outfall is being moved. Mark said it is a "pump around" and wastewater will be discharged into the old 24" discharge pipe. During high-flow events such as major

storms, additional overland discharge pipes will be used to accommodate the flow. But the normal day-to-day flow would be diverted into the 24" pipe. Mark said one of the first steps, once the pumps are installed and the flow is diverted, is to drill through the existing larger pipe to determine the depth of contamination directly beneath the pipe. Excavation of the pipe and cleanup under the pipe would then begin immediately, with the goal of getting new pipe in place and in service as quickly as possible.

OTHER ISSUES

Update on REF Cleanup

Mark Krippel said work is going very well and the crew is now cleaning out the former retention pond. The sediments that have accumulated over the past several years from surface water runoff are being pulled out and will be loaded out within the next several weeks. By the end of August the retention pond should be done and they will be in verification mode in the southwest corner of the site. The southeast corner is verified and released by IDNS and is pretty much to subgrade of the final grading plan. The crew will continue to backfill the pond 1 and 2 area. The Physical Separation Facility continues to run well. They are still getting about 50% recovery out of the rock being fed into the PSF. They had a large pile of PSF feed just north of the retention pond and it has been moved up closer to the plant. In terms of shipping, KM will end up shipping 5,000 to 10,000 tons of sediment and black dirt from the bottom of the retention pond. So far, 200 railcars have gone out this year which is roughly 20,000 tons. Things are going well.

Next Meeting

The next meeting of the West Chicago Intergovernmental Forum is scheduled for 10 a.m. on Friday, August 29, 2003, in West Chicago City Council Chambers, West Chicago.

Kerr-McGee Residential Areas Site Status

July 25, 2003

| Inside or Outside City | Clean Properties Identified | Contam. Properties Identified | Properties Cleaned Up | | | | | | | | | | Properties w/ Cleanup in Progress | Properties Awaiting Cleanup |
|------------------------|-----------------------------|-------------------------------|-----------------------|-----------|------------|------------|------------|-----------|-----------|----------|------|------------|-----------------------------------|-----------------------------|
| | | | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | TOT | | |
| Outside | 203 | 121 | 39 | 40 | 3 | 1 | 15 | 11 | 7 | 4 | | 120 | 0 | 1 |
| Inside | 1292 | 555 | 5 | 54 | 126 | 115 | 99 | 84 | 64 | 3 | | 550 | 1* | 4 |
| TOTAL | 1495 | 676 | 44 | 94 | 129 | 116 | 114 | 95 | 71 | 7 | | 670 | 1* | 5 |

Total # Letters Sent So Far = 2171

Total # Properties in Study Area = 2174

Percent of Total Letters Done = 99.9 %

* Cleanup at this property currently on hold.

Volume of Contamination Removed (yd³) *

| Year | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 |
|------------------------------|----------|----------|----------|----------|----------|-----------|-----------|-----------|------|
| Total Vol. for Year | 12,452.3 | 36,086.3 | 16,047.4 | 21,969.0 | 8,134.0 | 9,455.5 | 5,515.5 | 967.5 | |
| Cumulative Total Vol. | 12,452.3 | 48,538.6 | 64,586.0 | 86,555.0 | 94,689.0 | 104,144.5 | 109,660.0 | 110,627.5 | |

* Volume in this table is in terms of "loose cubic yards" which represents the amount of "loose" soil estimated to be in the trucks shipped to the REF.

West Chicago Intergovernmental Forum Agenda

**West Chicago City Council Chambers
July 25, 2003
10:00 am**

| | |
|-----------------------------------|---------------------|
| Introductions/ Review of Agenda | Forum |
| Status of Residential Areas Site | R. Frey |
| Status of RKP Site | R. Frey |
| Status of Kress Creek & STP Sites | R. Frey City/ KM |
| Other Agenda Items | |
| ◇ Update on REF Cleanup | M. Krippel |

ATTENDANCE LIST

WEST CHICAGO INTERGOVERNMENTAL FORUM

July 25, 2003

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